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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,327	10/23/2003	Katsuhiko Hara	CANO:095	8600
37013 7590 12/29/2009 ROSSI, KIMMS & McDOWELL LLP. 20609 Gordon Park Square, Suite 150 Ashburn, VA 20147			EXAMINER GARCIA, GABRIEL I	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 12/29/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail@rkmlegalgroup.com

Office Action Summary	Application No. 10/692,327	Applicant(s) HARA, KATSUHIKO	
	Examiner GABRIEL I. GARCIA	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/29/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9,10,14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part III DETAILED ACTION

1. This application has been examined. Claims 1-15 are pending in this application. Claims 4-5, 9-10 and 14-15 are withdrawn from consideration by the Examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno (7,154,617) in view of Holmstead (2004/0024844 A1).

With regard to claim 1, Ikeno teaches an image processing apparatus (fig. 2, item 617 or 819) comprising: a communication unit configured to communicate (202) with a plurality of information processing apparatuses (e.g. fig. 2,4,5 or 6); a storage unit configured to store (222, see also fig. 34) at least one of print jobs transmitted from at least one of the plurality of information processing apparatuses and resource data used for the print job (see fig. 1, abstract, and col. 2, lines 1-67); a determination device that determines when a download start request for resource data has been received by said communication device from one of a plurality of information processing apparatuses

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(see fig. 34), and control device (213) operable to control the communication device to inform one of the plurality that downloading of the resource data is not possible (see figs. 34 and 35, which depicts how the download data can be accepted or cancelled).

Ikeno fails to teach to determine whether **a print job received** by said communication device from at least one of the plurality of information processing apparatuses **exists in said storage device**; and a control device operable when the received print job exists in said storage device from which said communication device has received the download start request for resource data.

However, Holmstead (in the same field of endeavor “network printing”) teaches that it is well known in the art at the time of the invention to determine whether **a print job received** by said communication device from at least one of the plurality of information processing apparatuses **exists in said storage device [reads on [0047,0051] and [0053]** ; and a control device operable when the received print job exists in said storage device and informing the one information processing apparatus from which said communication device has received the download start request for resource data that downloading of the resource data is not possible (or necessity) **(see 0047, 0051 and fig. 4**, clearly the download is not necessity since the print job already exists in the storage of the printing device).

Therefore, it would have been obvious to one of ordinary skill in the art to provide the information processing apparatus of Ikeno with the additional means for determining the print job exists within the storage in order to download the resources only when the print job is not stored in the local memory as suggested by Holmstead in fig. 4, allowing the system of Ikeno to receive download resources to the image processing apparatus only when the print job is not stored within the apparatus, thereby, reducing the amount of data transfer between devices.

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With regard to claim 2, the limitations of claim 1 are covered by the limitations of claim 1 above.

With regard to claim 3, the combination of Ikeno and Holmstead further teaches the communication device has informed one of the plurality of information processing apparatus that downloading of the resource is not possible, and the control device controls said communication device so as not to receive another print job (e.g. see abstract, clearly if the print job exists in the storage another print job can be started).

With regard to claims 6-8, the limitations of claims 6-8 are covered by the limitations of Claims 1-3 above.

With regard to the computer readable medium claims 11-13, the limitations of claims 11-13 are covered by the limitations of claims 1-3 above. One of ordinary skill in the art will appreciate the matter in which the device as taught by the combination of Ikeno and Holmstead can be program to execute the instruction and steps as taught above.

Conclusion

3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments filed 8/9/08 have been fully considered but they are not persuasive. With regard to Applicant's argument that Holmstead does not teach preventing downloading of resources when a print job current exists in a storage.

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Examiner disagrees with Applicant's conclusion. Examiner asserts that Holmstead clearly teaches preventing downloading of resources when a print job current exists in a storage (**see 0047, 0051, 0053 and fig. 4**, clearly the download is not necessity since the print job already exists in the storage of the printing device). With regard to Applicant's argument that Holmstead's print elements are components of a document and do not correspond to a print job, but rather to data used for a print job. Examiner disagrees with Applicant's conclusion. Clearly, print elements such as photos, and images (see [0002] of Holmstead) are part of a print job, a print job requires data such as photos and images, also Holmstead teaches that print elements can be data such a font (see [0019]).

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

/Gabriel I Garcia/

Primary Examiner of Art Unit 2625

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Gabriel I. Garcia
Primary Examiner
December 14, 2009